

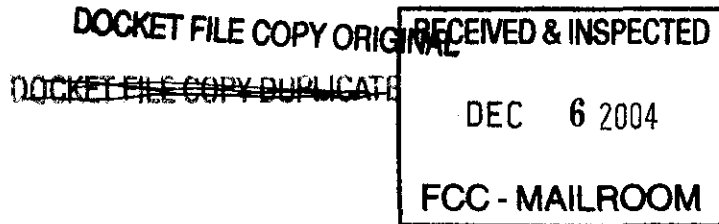
Custer County School District No. C-1

P.O. Box 730 • Westcliffe, Colorado 81252-0730
Phone (719) 783-2291 • Administration (719) 783-2357
Office Fax (719) 783-4944 • Administrative Fax (719) 783-2334

Steven T. Marantino
Superintendent
(719) 783-2357

Lance Villers
Secondary Principal
(719) 783-4921

Muriel deGanahl
Elementary Principal
(719) 783-4897



November 30, 2004

FROM: Custer County C-1 School District
% Joy Butts (Administrative Assistant)
P.O. Box 730
709 Main Street
Westcliffe, CO 81252

TO: Federal Communications Commission
Office of the Secretary
455 12th Street SW
Washington, DC
20554

RE: CC Docket No. 02-6

“Request for Review”

1. Dear Representative:

This is a **REQUEST FOR REVIEW** for:

Custer County School C-1 District,
Entity Number 142414,
Regarding a Funding Year 2004 (7/1/2004-6/30/2005) Funding
Commitment Decision.
Form 471 Application Number: 408862
The decision was: Not to fund any of the FRNs.

No. of Copies rec'd _____
List ABCDE _____

The explanation was:

“The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site. “28 Day Waiting Period Violated”.

2. Contact Information:

Joy Butts, (Administrative Assistant)
Custer County C-1 School District
P.O. Box 730, 709 Main Street
Westcliffe, CO 81252
(719)783-2357
jbutts@bobcats.ccs.k12.co.us

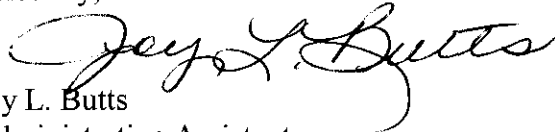
3. This letter is an **APPEAL** of the decision above, based upon the following appropriate reasons:
Transitions within our technology department took place last fall that were very unexpected and very difficult. During this transition, Fred Read, the new technology coordinator, was given the very complicated process of sifting through “ERATE”, along with myself (Joy Butts). This transition took place at around the same time that all paperwork was due for Funding Year 6. With all of the responsibilities of the new technology coordinator, plus trying to learn the complicated process of ERATE, the very important guideline of the “28-day waiting period” for the application 471 was very unclear. Had we known about the “28-day window”, we would have complied without question. The process of ERATE has been very overwhelming and sometimes more than we could understand at times, even with all the phone calls that have been made to the SLD. Because of this being new to us, we have tried very diligently to make sure that we were aware of each detail. We were unaware of this particular detail of the Form 471 process.
We understand the guidelines for the “28-day” period for bid purposes is very crucial and there needs to be a bidding process in place. Had we known the very important guideline of the “28-day window”, we would have complied without question.
4. At issue are all of the FRN’s associated with Form 471 Application Number 408862. FRN’s are: 408862, 1120551, 1120552, 1120553, 408862.
5. This is the sixth year which Custer County School District has made application for funds to the SLD. In the previous years, we were either successful or are still in the act of working our way through a very complex and constantly changing process. Please know that we have not taken the process lightly and consider the funding an essential enhancement to our educational opportunities in a very poor

rural community. To our school, the \$18,569.24 at issue in this appeal, is a huge, significant part of revenue to our budget. We would very much appreciate you considering our appeal and take into consideration all of the complex issues that pertained to our district last fall. The following are the reasons to approve our appeal:

First, we are aware and understand the importance of strict guidelines for ERATE. We have and are desperately trying to make sure that our district complies with every guideline for this funding year, past funding years, and for funding years to come. Because of the unforeseen and unfortunate circumstances that took place within our technology department last fall, we desperately were striving to make sure that all areas of our technology department were running smoothly for educational purposes for our students (our utmost priority). In the process of keeping "kids first", we unfortunately were unaware of a very important guideline (the 28-day window) for our ERATE Form 471 application. We are diligently continuing to pursue excellence in our schools and all that pertains to our district, we would never intentionally oversee something of this magnitude. It simply was confusion on our part to the filing timeframe for the 28-day window.

We do understand the SLD's need to complete its own requirements and can understand that guidelines need to be followed for accurate completeness. However, we would appreciate your consideration for our appeal. This school district serves a poor rural community and region, the type that the Universal Service Fund was set up to help support. An affirmative decision is vital to us. I welcome a call if you have further questions.

Sincerely,



Joy L. Butts
Administrative Assistant
(719) 783-2357, ext. # 4950

Enclosures

- Copy of "Letter of Appeal" to Schools and Libraries Division
(Sent July 12, 2004)
- Copy of Form 470 – Receipt Notification Letter
(Allowable Vendor Selection/Contract Date: 2-2-04)
- Copy of Form 471 – Receipt Acknowledgment Letter
(Postmarked 1-20-04)
(Received at SLD 1-23-04)
- Copy of Return Receipt Card
(Received at SLD 1-23-04)
- Copy of Funding Commitment Decision Letter
(Dated May 26, 2004)

Copy of Administrator's Decision on Appeal
(Received at SLD 7-12-2004)

Custer County School District No. C-1

P.O. Box 730 • Westcliffe, Colorado 81252-0730
Phone (719) 783-2291 • Administration (719) 783-2357
Office Fax (719) 783-4944 • Administrative Fax (719) 783-2334

Steven T. Marantino
Superintendent
(719) 783-2357

Lance Villers
Secondary Principal
(719) 783-4921

Muriel deGanahl
Elementary Principal
(719) 783-4897

July 12, 2004

FROM: Custer County C-1 School District
% Joy Butts (Administrative Assistant)
P.O. Box 730
709 Main Street
Westcliffe, CO 81252

TO: Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

1. Dear Representative:

This is a **LETTER OF APPEAL** for:
Custer County School C-1 District,
Entity Number 142414,
Regarding a Funding Year 2004 (7/1/2004-6/30/2005) Funding
Commitment Decision.
Form 471 Application Number: 408862
The decision was: **Not to fund any of the FRNs.**

The explanation was:

“The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site. “28 Day Waiting Period Violated”.

2. Contact Information:

Joy Butts, (Administrative Assistant)
Custer County C-1 School District
P.O. Box 730, 709 Main Street
Westcliffe, CO 81252
(719)783-2357
jbutts@bobcats.ccs.k12.co.us

3. This letter is an **APPEAL** of the decision above, based upon the following appropriate reasons:

First, transitions within our technology department took place last fall that were somewhat unexpected and very difficult. During this transition, Fred Read, the new technology coordinator, was given the very complicated process of sifting through "ERATE", along with myself (Joy Butts). This transition took place at around the same time that all paperwork was due for Funding Year 4. With all of the responsibilities of the new technology coordinator, plus trying to learn the complicated process of ERATE, the very important guideline of the "28-day waiting period" for the application 471 was very unclear. Had we known about the "28-day window", we would have complied without question. The process of ERATE has been very overwhelming and sometimes more than we could understand at times, even with all the phone calls that have been made to the SLD. Because of this being new to us, we have tried very diligently to make sure that we were aware of each detail. We were unaware of this particular detail of the Form 471 process.

Secondly, because of the remote mountain area that our district is in, we are very limited to the service providers that are available to us. For the services that are provided (telecommunications and internet) we have one vendor for each service that is available, we have no choice in vendors. We are unable to bid out our services because of the limited vendors that are available to us in our area. We have had the same vendors for the same services through all the years that we have applied for ERATE. We have no other choice.

We understand the guidelines for the "28-day" period for bid purposes is very crucial and there needs to be a bidding process in place. For the other thousands of districts this would involve, we completely understand this very important guideline. But for our district, we have no bidding process. Had we known the very important guideline of the "28-day window", we would have complied without question.

4. At issue are all of the FRN's associated with Form 471 Application Number 408862. FRN's are: 408862, 1120551, 1120552, 1120553, 408862.
5. This is the sixth year which Custer County School District has made application for funds to the SLD. In the previous years, we were either successful or are still in the act of working our way through a very complex and constantly changing process. Please know that we have not taken the process lightly and consider the

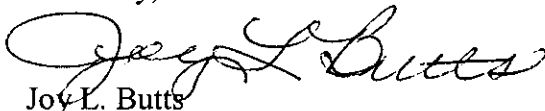
funding an essential enhancement to our educational opportunities in a very poor rural community. To our school, the \$18,569.24 at issue in this appeal, is a huge, significant part of revenue to our budget. We would very much appreciate you considering our appeal and take into consideration all of the complex issues that pertained to our district last fall. The following are the reasons to approve our appeal:

First, we are aware and understand the importance of strict guidelines for ERATE. We have and are desperately trying to make sure that our district complies with every guideline for this funding year, past funding years, and for funding years to come. Because of the unforeseen and unfortunate circumstances that took place within our technology department last fall, we desperately were striving to make sure that all areas of our technology department were running smoothly for educational purposes for our students (our utmost priority). In the process of keeping "kids first", we unfortunately were unaware of a very important guideline (the 28-day window) for our ERATE Form 471 application. We are diligently continuing to pursue excellence in our schools and all that pertains to our district, we would never intentionally oversee something of this magnitude. It simply was confusion on our part to the filing timeframe for the 28-day window.

Secondly, because our district has never been able to participate in a "bidding process", the 28-day window has never applied to our district. Even if we had waited 28 days, we would still have only one vendor who could provide service to us.

We do understand the SLD's need to complete its own requirements and can understand that guidelines need to be followed for accurate completeness. However, we would appreciate your consideration for our appeal. This school district serves a poor rural community and region, the type that the Universal Service Fund was set up to help support. An affirmative decision is vital to us. I welcome a call if you have further questions.

Sincerely,



Joy L. Butts
Administrative Assistant
(719) 783-2357

Enclosures

- Copy of Form 470 – Receipt Notification Letter
(Allowable Vendor Selection/Contract Date: 2-2-04)
- Copy of Form 471 – Receipt Acknowledgment Letter
(Postmarked 1-20-04)
(Received at SLD 1-23-04)
- Copy of Return Receipt Card
(Received at SLD 1-23-04)



Universal Service Administrative Company
Schools & Libraries Division

Tele Comm/Internet

FORM 470-Receipt Notification Letter
(Funding Year 2004: 07/01/2004--06/30/2005)

January 12, 2004

JOY BUTTS
CUSTER COUNTY CONS SCH DIST C1
PO BOX 730
WESTCLIFFE, CO 81252

Re: Applicant's Form Identifier: CCH50107
Form 470 Application Number: 686290000490744
Entity Number: 142414
Date Form 470 Posted: 01/05/2004
Allowable Vendor Selection/Contract Date: 02/02/2004

Dear JOY BUTTS:

This letter is to notify you that the Schools and Libraries Division (SLD) has received your FCC Form 470, "Description of Services Requested and Certification Form," complete with your signed certification. This letter provides important information about program rules. Please read this letter carefully and retain it for your records and future reference.

The Form 470 Application Number listed above has been assigned by the SLD and will be used to track your Form 470. This number must be provided on each FCC Form 471, "Services Ordered and Certification Form," Block 5 Funding Request that cites this Form 470. Any applicant who relies on this Form 470 will need to know this Form 470 Application Number. You may wish to share this number with those schools and/or libraries featured in this application to assist them in their preparation of the Form 471.

The purpose of the Form 470 is to open a competitive bidding process for the services desired. The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services. The Form 470 must be completed by the entity that will negotiate with potential service providers. A service provider who will participate in the competitive bidding process as a bidder cannot complete it. Please be aware that if a service provider was involved in the preparation or certification of your Form 470, this involvement could taint the competitive bidding process and result in the denial of your funding requests.

If you believe that a service provider was improperly involved in the submission of this Form 470, you should cancel this Form 470 and submit a new one if you wish. To cancel a Form 470, contact the Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736 or by phone at 1-888-203-8100 and follow the instructions they provide.

FCC rules require that requests for tariffed or month-to-month services and requests for new contractual services be posted on the SLD web site for a period of at least 28 days before selecting a vendor in order to provide for a competitive bidding process.



Universal Service Administrative Company
Schools & Libraries Division

FORM 471 RECEIPT ACKNOWLEDGMENT LETTER
(Funding Year 2004: 07/01/2004 - 06/30/2005)

RAL

February 20, 2004

JOY BUTTS
CUSTER COUNTY SCHOOL DISTRICT
P.O. BOX 730
WESTCLIFFE, CO 81252

Re: Form 471 Application Number: 408862
Funding Year 2004: 07/01/2004 - 06/30/2005
Applicant's Form Identifier: CCHS0107
Billed Entity Number: 142414

(#18,562.80)

This notification is an acknowledgment of receipt and successful data entry of your FCC Form 471, "Services Ordered and Certification Form," reflecting \$30,948.72 in total program year pre-discount costs for services. This letter confirms that the Form 471 and signed or electronically certified Form 471 Certification have been received. Please note that the later of these Form 471 application materials was postmarked or received by the Schools and Libraries Division (SLD) on 01/20/2004. Your application will be considered within the Form 471 application filing window wherein all applications that meet the Minimum Processing Standards are treated as though they were received on the same day. It is important that you retain this Form 471 Receipt Acknowledgment Letter (RAL) for your records.

NOTE: Item 25 on the Form 471 is a certification that you have secured access to the resources necessary to pay for (1) the non-discount portion of the costs for eligible services within the funding year, as well as (2) the ineligible products and services to make effective use of the eligible services you have requested. "Secured access" means that you can show that these funds are, or will be, part of your annual budget; or, if you are obtaining the funds from an outside revenue source, that these funds have been acquired or committed. IF YOU OBTAIN THESE FUNDS FROM AN OUTSIDE SOURCE, THE FUNDS MUST NOT COME DIRECTLY OR INDIRECTLY FROM YOUR SERVICE PROVIDER(S). YOUR SERVICE PROVIDER(S) MAY NOT WAIVE THE NON-DISCOUNT PORTION OF THE COSTS.

THIS LETTER DOES NOT CONTAIN ANY DECISIONS CONCERNING YOUR REQUESTS FOR DISCOUNTS. NOTE, HOWEVER, THE THREE-WEEK RESPONSE DEADLINE DESCRIBED BELOW.

It is important that you keep the Form 471 Application Number cited above for future communications with the SLD. Our Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive one or more Funding Commitment Decision Letters (FCDLs) to inform you of our decisions on your Funding Requests. You cannot assume that USAC will approve the discounts for which you are applying before an FCDL is issued.

ALLOWABLE CORRECTIONS USING THE RAL (ACT WITHIN THREE WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, certain of these errors can be corrected using this Form 471 RAL.

- You MUST, at a minimum, include the signature, printed name and official title of either the contact person on this letter or the authorized person on the Form 471.
- Requests must be received or postmarked within three weeks of the date on this letter.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SHD-Form 471
C/o Ms Smith
3833 Greenwood Dr.
Lawrence, KS 66046

2. Article Number

(Transfer from service label)

7002 2030 0004 5200 9752

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

PEARSON GOVT SOLUTION

B. Received by: *Printed Name*
MAIL AGENT☐ Agent☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540



FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

May 26, 2004

JOY BUTTS
CUSTER COUNTY SCHOOL DISTRICT
P.O. BOX 730
WESTCLIFFE, CO 81252

Re: Form 471 Application Number: 408862
Funding Year 2004: 07/01/2004 - 06/30/2005
Billed Entity Number: 142414
Applicant's Form Identifier: CCHS0107

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$18,569.24 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked withing 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the

FUNDING COMMITMENT REPORT

Form 471 Application Number: 408862
Funding Request Number: 1120550 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143005441 Service Provider Name: Zero Error Networks, L.L.C.dba
Contract Number: MTM
Billing Account Number: 347284
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$10,200.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$10,200.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 1120551 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143002487 Service Provider Name: CenturyTel of Eagle, Inc.
Contract Number: MTM
Billing Account Number: 719-783-2357
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$18,338.16
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$18,338.16
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 1120552 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143008756 Service Provider Name: Western Wireless Corporation
Contract Number: MTM
Billing Account Number: 002976522
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,916.88
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$1,916.88
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

Funding Request Number: 1120553 Funding Status: Not Funded
Services Ordered: Telecommunications Service
SPIN: 143000677 Service Provider Name: Verizon Wireless fka Cellco Part
Contract Number: MTM
Billing Account Number: 347284
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$314.28
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$314.28
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 408862
Funding Request Number: 1120554 Funding Status: Not Funded
Services Ordered: Internet Access
SPIN: 143005441 Service Provider Name: Zero Error Networks, L.L.C.db
Contract Number: MTM
Billing Account Number: 347284
Service Start Date: 07/01/2004
Contract Expiration Date: 06/30/2005
Annual Pre-discount Amount for Eligible Recurring Charges: \$179.40
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$179.40
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
Funding Commitment Decision Explanation: The Form 471 application was signed and/or submitted prior to the expiration of the 28-day waiting period from the day of the posting of the Form 470 to the SLD Web Site.



October 14, 2004

Re: Applicant Name: Custer County School District
Billed Entity Number: 142414
Form 471 Application Number: 408862
Funding Request Number(s): 1120550, 1120551, 1120552, 1120553,
1120554
Your Correspondence Dated: July 12, 2004

Funding Request Numbers: 1120550, 1120551, 1120552, 1120553, 1120554
Decision on Appeal: **Denied in full**
Explanation:

- Called Debbie @ 888-203-8102
21-107341

to provide an alternative Form 470 that does not violate the competitive bidding requirement. Your response indicated that the cited Form 470 was correct. Using that information as the benchmark we find that Form 471 was signed on January 20, 2004, which was prior to the Allowable Contract Date (ACD) of February 2, 2004 on the posted Form 470. Consequently, the appeal is denied.

- You signed and/or submitted your Form 471 prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504, 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. 47 C.F.R. § 54.504(b) (4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098; FCC 97-246 ¶ 9 (rel. Jul. 10, 1997).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company